

Proposed Amendments to 76-3-201 and 207, MCADATE 3.16.09BILL NO. HB522

Existing 201 Exemptions	Existing 207 Exemptions
(a) court order or eminent domain (b) security for mortgages (c) mineral interest (d) cemetery lots (e) reservation of a life estate (f) lease or rental for ag purposes (g) location which state does not have jurisdiction (h) rights-of-way or utility sites	(a) relocation of common boundary lines (b) gift or sale to immediate family member (c) agricultural covenant (d) boundary relocation or aggregation of lots (e) boundary relocation between platted & unplatted

Concerns:

- Courts do not have to look at zoning requirements.
Courts are creating undevelopable lots through court order
- No lots or divisions are created for the following:
 - Security for mortgages
 - Mineral interest
 - Reservation of a life estate
 - Lease or rental for ag purposes
 - Location which state does not have jurisdiction
- Lots or divisions ARE created for the following (and should require a survey):
 - Court order or eminent domain
 - Cemetery lots
 - Rights-of-way or utility sites

Proposed 201 Exemptions (No division of land)	Proposed New Section	Proposed 207 Exemptions (Survey & Zoning Requirement)
(a) mineral interest (existing c) (b) reservation of a life estate (existing e) (c) lease or rental for ag purposes (existing f) (d) location which state does not have jurisdiction (existing g)	Security for mortgages	(a) relocation of common boundary lines (b) gift or sale to immediate family member (c) agricultural covenant (d) boundary relocation or aggregation of lots (e) boundary relocation between platted & unplatted (f) court order or eminent domain (g) cemetery lots (h) utility sites
REQUIREMENTS: No survey, no zoning, no review	REQUIREMENTS: Survey, zoning, review	REQUIREMENTS: Survey, zoning, review

